

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 09-CR-41

JOHNNY N. MARES,

Defendant.

**ORDER GRANTING MOTION TO COMPEL DISCLOSURE OF
CONFIDENTIAL INFORMANT**

On February 3, 2009, the grand jury returned a two count indictment charging Johnny N. Mares ("Mares") in each count with distribution of five grams or more of crack cocaine, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B). (Docket No. 1.) On March 2, 2009, Mares filed a Motion to Compel Disclosure of Confidential Informant. (Docket No. 9.) The government responded, (Docket No. 12), and Mares replied, (Docket No. 13). A final pretrial conference is scheduled for April 7, 2009 and a jury trial is scheduled to commence before the Honorable J.P. Stadtmueller on April 13, 2009. Further, Judge Stadtmueller has ordered the parties to file a single joint pretrial report no later than April 2, 2009, and he has ordered the defendant to inform the court no later than April 3, 2009 if he intends to plead guilty. (Docket No. 14.)

The government agrees that disclosure of the identity of the confidential informant is necessary because the confidential informant was a transactional witness. The government proposes to disclose the identity of this confidential informant twenty-one days before trial. (Docket No. 12.)

Twenty-one days before trial is March 23, 2009, a Monday. Mares requests that the court order that the government disclose the identity of the confidential informant on the other side of this coming weekend, i.e. no later than the close of business on Friday, March 20, 2009. (Docket No. 13.)

In light of the deadlines established by Judge Stadtmueller regarding the filing of a joint pretrial report and for the defendant informing the court should he intend to plead guilty, the court concludes that it is appropriate to grant Mares' request for disclosure one business day earlier than that proposed by the government. Therefore, the court **grants** Mares' motion, (Docket No. 9), and the government shall disclose to Mares the identity of the confidential informant identified as CHS, as well as all Brady and Giglio information with respect to this witness, no later than **5:00 PM** on **March 20, 2009**.

SO ORDERED.

Dated at Milwaukee, Wisconsin this 18th day of March 2009.

s/ AARON E. GOODSTEIN
U.S. Magistrate Judge